

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

ASHEVILLE DIVISION

JANE ROE,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil No. 1:20-cv-00066-WGY
)	
UNITED STATES OF AMERICA, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	
)	
)	
_____)	

**PLAINTIFF’S MOTION TO STRIKE
DEFENDANTS’ SUMMARY JUDGMENT RESPONSES**

Plaintiff Jane Roe (“Roe”), by and through her attorney, hereby moves to strike defendants’ responses in opposition to her motions for partial summary judgment, including their memoranda of law, declarations, and exhibits.

As set forth in the accompanying memorandum of law, defendants’ responses (including the individual capacity defendants’ forthcoming response) should be disregarded because defendants failed to properly address Roe’s factual assertions, or support their own factual assertions, as required under Fed. R. Civ. P. 56(e). Specifically, defendants’ summary judgment responses (1) rely on materials they did not disclose in discovery, (2) are untimely, and (3) result in prejudice to Roe. For these reasons, the Court should strike defendants’ responses, deem Roe’s statement of material facts admitted, and grant her summary judgment because her “motion[s] and supporting materials—including the facts considered undisputed—show that [she] is entitled to it.” *Id.*

This the 16th day of October, 2020.

Respectfully Submitted,

/s/ Cooper Strickland

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of October, 2020, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Gill P. Beck at Gill.Beck@usdoj.gov

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